THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 25652 OF 1997

DATE: 1-3-2007

Between:

P. Ramanaiah ….. Petitioner

And

1. The A.P.S.R.T.C. rep by
its Vice-Chairman & Managing Director,
Hyderabad and 2 others ….. Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 25652 OF 1997

ORDER:

The petitioner who claims to have been appointed as Man Mazdoor in the respondent – Corporation seeks regularization of his services from the date of his initial appointment with back wages and continuity of service.

The petitioner would refer to several factual aspects to contend that initially he was paid Rs.10/- per day, later he was paid consolidated amount of Rs.1081/- per month and that he was attending several duties in the respondent-Corporation.

In the counter affidavit filed by the respondents, it is stated that the petitioner was never appointed as Man Mazdoor, that no appointment order was given by any of the respondents to the petitioner, that the petitioner was not on the rolls of the Corporation, there is no cadre of Man Mazdoor in the respondent – Corporation and that the petitioner, in any event, was not engaged as Man Mazdoor. According to the respondents, the petitioner was working as Man Mazdoor under the contractors engaged by the Corporation and that there is no employer and employee relationship between the Corporation and the petitioner.

In as much as the very factum of employer and employee

relationship between the petitioner and the respondent Corporation is in dispute and as this Court, would, ordinarily, not examine disputed questions of fact, I do not see any reason to exercise discretion under Article 226 of the Constitution of India to grant the relief sought for in the writ petition.

Leaving it open to the petitioner, if he so chooses, to avail such other remedies as are available in law, the writ petition fails and is accordingly dismissed. No order as to costs.

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1-3-2007

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